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TN REGULATORY AUTHORITY  
DOCKET ROOM

Mr. Joe Werner  
Chief of Telecommunications  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 38238

TN REGULATORY AUTHORITY  
TELECOMMUNICATIONS DIVISION

March 25, 2003

RE: Rebuttal to Response of BellSouth  
Docket # 02-01274

Dear Mr. Werner,

I have reviewed the response of BellSouth dated 1-21-03 and comment that several of the responses illustrate the day to day relationship of the incumbent carrier with this CLEC. It only takes a few minutes of frustration for a consumer to reject their telephone carrier, and recovering from BellSouth initiated irritants is a substantial resource drain for our business. I will address the previous allegations and responses as needed, and have included a sampling of additional recent frustrating episodes with BellSouth.

**Item 1:** Aeneas alleges that on Oct. 25, 2002, BellSouth personnel responded to a trouble call on Aeneas customer 731-424-5124, that repairs were not made even though BellSouth sent a technician, and that four days later the customer was signed back to BellSouth. The aggravated customer, Dr. Joe Vantress (Vantress Pharmacy in Jackson), advises that a BellSouth technician visited the property on Oct. 25 and failed to repair the line.

BellSouth acknowledges that its personnel responded, however, it also claims that it has no record that it received a trouble call. BellSouth doesn't mention why the customer's line wasn't repaired within four days of the technician's visit, nor does it have any explanation as to why the customer would be dissatisfied. Dr. Vantress further advises that he felt that he had to switch carriers in order to get his line repaired.

**Item 2:** (a) Aeneas alleged that BellSouth was blocking out of state calls destined for ported Aeneas numbers residing on the Aeneas switch (CILLI: JCSNTN09H07).

BellSouth responds that it repaired the problem within six and a half hours.



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The problem existed for an indeterminate time prior to our request for action. This impacted 100% of all Aeneas ported numbers. The six hour response was far too slow given that diagnosis and advice would not require that much effort, and the delay surely exacerbated the aggravation of our customers. This does not reflect the response time of BellSouth to one of its own problems. See next example.

**New item A:** "Medlin's", in McKenzie, Tennessee operates with four T-1 lines; three PRIs bought from BellSouth and one "B8ZS ESF ClearChannel Data T-1 from Aeneas. All of these services enter Mr. Medlin's premises over in the same copper bundle. On March 13, 2003 Mr. Medlin contacted Aeneas trouble center and reported malfunctions of all lines. Aeneas initiated an internal trouble ticket and began testing on the Aeneas owned T1 and instructed customer to contact Bell South on the two BS owned PRI's. Customer later reported he called Bellsouth, a BS technician was dispatched immediately and BS PRI service was restored by 2 pm. Aeneas initiated a trouble ticket with BS at virtually the same time (10:45 am). BS immediately told Aeneas staff the Aeneas T1 was functioning properly. Aeneas again verified circuit errors, reported this back to BS CWINS center. Sometime after 6 pm, the Aeneas T1 began functioning properly. Aeneas was never called back to properly close the Aeneas initiated BS trouble ticket (TI048012). The Aeneas circuit in question is T3.HCFU.601014. Prior trouble tickets for Aeneas Data T1 for this customer are TI47810 & TI 048304. The contact is Tommy Medlin 731-352-9643.

This is a typical example of like services, delivered to the same address, being treated differently.

**Item 3:** The government of Dyer County experienced problems with their Aeneas service, and shortly thereafter, in November 2002, a BellSouth ASR and CPE knowingly induced Dyer County to breach its contracts with Aeneas and sign with BellSouth. The Aeneas contracts were to run through May 2004.

BellSouth responds that it can't address a complaint about a contract with Dyer County government unless Aeneas provides it with the customer's name and phone number and identify its sales agent.

The Dyer County government contact person is Patty Wallace, and her number is (731) 286-7800. BellSouth's ASR and CPE is Hayes Communications in Dyersburg, who happened to be the interconnect provider. After Hayes "won back" the customer for BellSouth, and before the lines were switched, the problems with the phone service miraculously disappeared. BellSouth has caused us tens of thousands of dollars in damages in just this one instance.



We would ask BellSouth to address whether their Authorized Sales Representative accomplished the Dyer County "winback" with a properly tariffed plan for that rate area.

**Item 6.** Aeneas alleged that customer Edward Hamer signed for service on October 31, 2002 which was never properly installed by BellSouth despite numerous requests. Mr. Hamer's line was installed but rang a few blocks away at Baker's Glass Company.

BellSouth admits that the lines were "crossed", yet oddly advises that its technicians visited the service address and "found no problem with the service." BellSouth's customer service record database showed service active with Aeneas and BellSouth billed Aeneas, yet service was *never* activated.

Aeneas lost the customer because of BellSouth *without ever being able to provide the customer with any service at all*. A double check of reveals that Mr. Hamer has thrown up his hands in frustration and now depends solely upon his cell phone.

**Item 7:** Aeneas alleged that a BellSouth employee was unaware of proper procedure when dealing with a functionality issue with a resold line. Aeneas also alleges that the problem was a translation issue and not one needing an on site visit; nevertheless, Aeneas was charged for unnecessary tech support.

BellSouth admits that the problem was actually the lack of a PIN number in the Local Service Request (LSR), but does not address the problem with the employee.

Aeneas would point out that the services ordered were moved intact from BellSouth and that the missing PIN was apparently absent from their records. Nevertheless, when Remote Access to Call Forwarding is ordered, the PIN is an essential term without which the person handling the order cannot complete installation. When that happens, the long-standing practice is for BellSouth to make an inquiry (ie, be proactive and ask). One employee's not understanding the problem and another unwilling to pick up a phone subjected our customer to additional aggravation.

**Item 8:** Aeneas alleged that BellSouth aggravated yet another Aeneas customer by switching their service without permission. BellSouth acknowledges that one of its employees transposed numbers and caused the problem. The problem has been taken care of and fortunately this customer remains with Aeneas.



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**New Item B:** On February 5, 2003, we received a call from Peachnet, an ISP in Brownsville, advising that their 731-235-9089 number in Tiptonville was no longer working. They were getting a recorded message "This number has been disconnected...." The customer called BellSouth and was told that Aeneas employee Randy Mills had sent in an order to disconnect the line. This wasn't accurate. Randy called Michelle in the BellSouth LCSC group and informed her that he had turned in a preliminary order to port this number (PON 000081RM), but not request the actual porting. This is an important distinction. Randy had not entered the number on NPAC nor had he given the approval for Andrea Waters (the designated BellSouth project manager) to disconnect the number out of the BellSouth switch. Aeneas did not order a disconnect. This BellSouth action resulted in a major service outage for the end user.

The BellSouth customer service rep continued to insist that Randy Mills had turned in a disconnect, and we finally talked her into checking with someone. The customer then turned in a trouble ticket (TB424456) and the problem was taken care of. BellSouth again embarrassed Aeneas even though the problem was its own, the end user was needlessly aggravated, and Peachnet's customers were needlessly aggravated.

**New Item C:** Late 2002, it came to our attention that BellSouth, in violation of our interconnect agreement, failed to provide to McCleod Publishing (popular white and yellow pages area-wide) the Aeneas resale and UNE-P customer listings. Obviously, this is a major aggravation for our customers, and it is difficult to quantify the damage BellSouth has caused by this failure. BellSouth "Legal" recently authorized a letter advising Aeneas that it is sorry.

**New Item D:** January 21, 2003. Jackson Chamber of Commerce (731) 423-2200. When this customer was migrated from Aeneas to Bellsouth on 01-17-03, Bellsouth improperly assumed LPIC and PIC responsibilities against customer's wishes. When customer requested Aeneas be restored as LD carrier, Bellsouth suspended all long distance services for a period of time leaving the end user unable to make any LD calls. The customer's interconnect group was a BellSouth ASR, just as in the case of Dyer County (elsewhere in this letter).

We would ask BellSouth to address whether their Authorized Sales Representative accomplished the Jackson Chamber of Commerce "winback" with a properly tariffed plan for this rate area.

**New Item E:** January 20, 2003. Competitive Mortgage (615) 904-9548. Aeneas became the local carrier on 01-13-03. On 01-20-03 end user notified Aeneas that they are completely without telephone service. Upon research Aeneas discovers Bellsouth had



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issued a denial order suspending all local phone service. Bellsouth representative gave no explanation why they discontinued service for end user, which was not their customer.

**New Item F:** January 20, 2003. James Keller, residential end user (901) 577-2586. Aeneas submitted manual order 01-14-03. FOC date was issued 01-15-03. End User called 01-20-03 wanting to know when service would be working. Aeneas records indicate service should be completed according to Bellsouth's completion notice given. After researching, Aeneas found that order had never been processed. A Bellsouth rep. had to re-issue the order with a new phone number and a new due date (01-22-03).

**New Item G:** December 30, 2002. J.B. Glassman, atty. (731) 427-9361. Aeneas issued a change of address order, changing hunt group and adding an additional line. Aeneas was given due date, and when date arrived hunt group was incorrect and no additional line had been installed. Aeneas contacted Bellsouth, the order had to be reworked and new due date given for additional line, causing the end user charges for return visit from Interconnect technician.

**New Item H:** December 26, 2002. Anita Foster, Aeneas residential end user (731) 660-0230. BellSouth changed PIC to 0333 without an order from Aeneas. Bellsouth rep. said PIC was accidentally changed when BellSouth DSL was added. The customer asked for the Aeneas PIC 0556, and at our expense, we had to change it back. Once again, Bellsouth created considerable customer aggravation.

**New Item I:** December 13, 2002. McNairy County Government (731) 645-1000. Aeneas submitted a conversion order on McNairy Co. ESSX phone system on 12-13-02. Aeneas was clarified a total of seven times between 12-13 and 12-23. These clarifications were clearly a run-a-round, and caused unnecessary delay in processing orders. Aeneas LSRs were repeatedly clarified; we were told the LSR needed a project number when we didn't, that our LSRs had to have fields populated with a 'check mark' instead of using an "x" (although the BellSouth software does not provide for an "x"). This is ridiculous.

It was only after Aeneas escalated this order to the fourth level that we were issued a due date of 12-26-02 for the service. As of 01-21-03, this order was still not updated and we were unable to do a bill audit on this account. A full month after the order, the Aeneas bill account still did not reflect proper entry of this account.



This customer was moved over to Aeneas as a resale account "as is" meaning unchanged with known billing cost factors (no change in service). Immediately, Bell South performs an account audit. BS informs Aeneas of a billing change increasing the cost of service several hundreds of dollars, forcing Aeneas to pass this cost increase on to McNairy County Government, the end user. Aeneas regularly performs customer quotations based on the cost of existing service. If post migration BS raises rates on same services delivered, Aeneas cannot accurately price services.

**New Items J and K:** In February, we received a report that the main dispatch line to the Carroll County Sheriff's Department was down for several hours on two weekends in a row. The number there is 731-989-8947, and the local contact is Denise Barger. Beyond coincidence, on March 11, we were advised that the main dispatch number at the Benton County Sheriff's Department was down all night, but had miraculously started working properly the next morning. This line is 731-584-6208 and we've talked to Jean Rush, "Wendy" and "Brandi" with the Benton County Sheriff's Office. This situation is not only aggravating to the customers but raises obviously liability issues for anyone associated with this resold BellSouth service.

Not surprisingly, we have experienced what seems a high level of migration to BellSouth by our customers who have experienced technical problems due to BellSouth's resold and UNE-P products.

**New Item L.** Lines resold to the Country Western Steak House in Camden went down over the last weekend of February, and again over the weekend of March 8. This is their main take out number (731-584-3026), the contact is Mike Harding, and despite the problem with his BellSouth resold service, he switched back to BellSouth.

## CONCLUSION

All but one of the items above reflect instances of trouble with the customer's phone service due to BellSouth. As everyone in the telephone business is aware, the customer doesn't care why their phone isn't working, they just want it to work. They don't want to analyze the problem and hear why it is the old phone company causing the problem. The consumer is vulnerable to advances from BellSouth's retail sales agents, when, like Mr. Hamer's case above, they have no reason to blame the CLEC and every reason to be dissatisfied with BellSouth. The CLEC has no opportunity to develop a



relationship/track record with its customers before trouble free service is experienced. BellSouth's defense seems to be that we can't prove intent or that they are sorry.

- (1) We would like to suggest that BellSouth issue a trouble ticket reference number for local POTS line problems, as it does do for special circuits.
- (2) We request that for the foreseeable future, BellSouth be ordered by the Authority to cease any effort to contact and "win back" customers utilizing the service of a CLEC beginning when they learn that the customer has agreed to switch and continuing for a period of ninety consecutive days of trouble free service, and also ninety days from the date of closure of any trouble ticket trace-able to a BellSouth failure. We also suggest that this might be a necessary rule to implement the law and protect the competition that Congress is trying to encourage.
- (3) We request that all interconnect groups that are also Authorized Sales Representatives for an incumbent carrier be required to disclose their possible conflict of interest to the customer to enable the customer to determine if carrier recommendations are in the customer's or the interconnect group's best interest
- (4) We request that BellSouth be required to write any CLEC customer, using a form approved by the Authority, advising the customer of any interruption of service that is trace-able to a BellSouth failure, apologizing to the customer and the CLEC. This may be the only way to give the consumer a true picture of who they want providing their service.
- (5) We request that Bell South assure us that all proprietary Aeneas customer information contained in Aeneas Billing Account Numbers (BAN's) is not shared with Bell South Telecommunications and Bell South.net retail divisions.
- (6) We further request an assurance that Bell South is not alerting Bell South Telecommunications retail division and the Bell South.net retail division about Aeneas inquiries on the Bell South LENS customer service database, or otherwise identifying Customer Service Record (CSR) utilization.



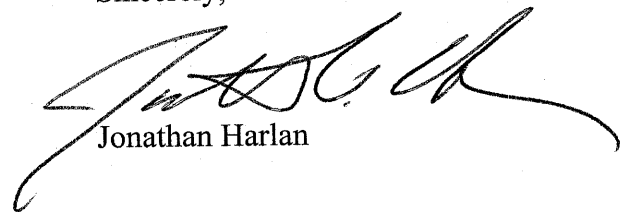
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Aeneas makes every effort to bring competition to residential and commercial customers, but our reputation is dependant on BellSouth's good faith to a large degree, or more accurately, we are dependant on the TRA's supervision of BellSouth.

Sincerely,



Jonathan Harlan

Cc: Guy Hicks